

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 08.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.15680 of 2004

Lakshmi Arul .. Petitioner
W/o Dr.Arulpitchai Narayanan,
27, Gangai Street, Kalashetra Colony,
Besant Nagar, Chennai - 600 090.

Vs.

The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Chennai-600 008. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the respondent vide their letter No.ES2/6753/04 dated 05.05.2004 and quash the same.

For Petitioner : Mr.S.Sundaresan

For Respondent : Mr.J.Ravindran for CMDA.

ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

The petitioner challenges the letter of the respondent dated 05.05.2004 in this writ petition.

2. Heard the learned counsel for the petitioner as well as the respondent.

3. In view of the order to be passed hereunder, we are of the view that there is no need to refer all the factual details as stated by the petitioner. It is brought to our notice that against the order of the Member Secretary, Chennai Metropolitan Development Authority, Chennai-8, dated 22.12.2003, refusing for regularisation of the additional construction, the petitioner preferred an appeal to the Secretary, Housing and Urban Development Department, Government of

Tamil Nadu, Chennai on 04.02.2004. The copy of the said appeal and the acknowledgement are available in the typed set of papers at pages 55 and 56. According to the learned counsel for the petitioner, till this date, the Government has not disposed of her appeal. In such circumstances, it is pointed out that the respondent is not justified in issuing demolition notice, more particularly, in respect of the entire building at door No.27, Gangai Street, Kalakshetra Colony, Besant Nagar, Chennai-600 090. Though the petitioner has not impleaded the Government i.e. The Secretary, Housing and Urban Development Department, Government of Tamil Nadu, Chennai-9, as a party, in view of the assertion that the appeal of the petitioner dated 04.02.2004 is still pending with the Government, we are inclined to issue direction to the Government for disposal of the said appeal.

4. In these circumstances, while quashing the impugned letter dated 05.05.2004 of the respondent, we direct the Secretary, Housing and Urban Development Department, Government of Tamil Nadu, Chennai-9, to consider and dispose of the appeal of the petitioner dated 04.02.2004 on merits, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner. It is made clear that depending on the outcome of the order to be passed in the Government appeal, the respondent-CMDA is free to take further action.

5. The writ petition is allowed on the above terms. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Chennai-600 008.

2. The Secretary, Govt. Of Tamilnadu,
Housing and Urban Development Department,
Chennai-9.

ONE CC TO MR.J. RAVINDRAN, ADVOCATE SR 54107
ONE CC TO MR.S. SUNDARESAN, ADVOCATES SR 53338
ONE CC TO THE G.P., SR 53496

VC(CO), BP/20.11

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